

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kevin W. Brewton
dba KB Construction
Cheryl E. Brewton
fka Cheryl E. Richardson
Debtor(s)

Bankruptcy Case No.: 13-22212-CMB
Issued Per Feb. 23, 2017 Proceeding
Chapter: 13
Docket No.: 152 – 135, 138
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 14, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$753 as of March 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: February 28, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 6

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Kevin W. Brewton
Cheryl E. Brewton
DebtorsCase No. 13-22212-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
Form ID: 149Page 1 of 3
Total Noticed: 67

Date Rcvd: Feb 28, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 02, 2017.

db/jdb
aty Kevin W. Brewton, Cheryl E. Brewton, 1248 St. Rt. 551-351 North, Enon Valley, PA 16120
+vdel3, Office of the Chapter 13 Trustee, Suite 3250 US Steel Tower, 600 Grant Street,
Pittsburgh, PA 15219-2719

13643994 +AAS Debt Recovery, PO Box 129, Monroeville, PA 15146-0129
13651191 ANESTHESIA ASSOC OF ALLIANCE, Revenue Recovery Corporation, PO Box 341308,
Memphis, TN 38184-1308

13643995 +Alliance Community Hospital, 200 East State Street, Alliance, OH 44601-4936
13780335 +Allied Adjustors Inc., PO Box 1006, Aliquippa, PA 15001-0806
13643996 Anesthesia Assoc. of Alliance, P.O. Box 503, Canfield, OH 44406-0503
13650964 BONY NA as ELT for KeyCorp, Claims Filing Unit, PO Box 8973, Madison, WI 53708-8973
13643998 +Barclays Bank Delaware, 700 Prides, Newark, DE 19713-6102
13643997 +Barclays Bank Delaware, 700 Prides Xing, Newark, DE 19713-6102
13643999 +CAA of Columbiana County, 7880 Lincoln Place, Lisbon, OH 44432-8324
13644000 CAC Financial Corp., 2601 NW Expressway, Suite 1000 East, Oklahoma City, OK 73112-7236
13644001 +CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
(address filed with court: Capital One Bank, P.O. Box 5155, Norcross, GA 30091)

13644002 +Carnation Clinic Inc., 1401 South Arch Ave., Alliance, OH 44601-4283
13710173 CitiMortgage, Inc., P.O. Box 6030, Sioux Falls, SD 57117-6030
13644004 Citimortgage, P.O. Box 183040, Columbus, OH 43218-3040
13706927 +DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,
PO Box 10390, Greenville, SC 29603-0390)

13644006 +David J. Apothaker, Esq., 520 Fellowship Road, Suite C-306, Mount Laurel, NJ 08054-3410
13978384 ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408
13644008 Ellwood Emergency Phys. Inc., c/o Outreach Care Group, Inc., 724 Pershing Street,
Ellwood City, PA 16117-1499

13644009 Fidelity National Collections, P.O. Box 2055, Alliance, OH 44601-0055
13644010 First Federal Control Inc., 24700 Chargin Blvd., Ste. 205, Cleveland, OH 44122-5662
13644011 +First National Bank, 4140 East State Street, Hermitage, PA 16148-3401
13644012 +First National Bank of Pennsylvania, 4140 E. State St., Hermitage, PA 16148-3401
13644013 General Revenue Corporation, PO Box 89471, OH 44101-6471
13644014 +Great Lakes Higher Education, P.O. Box 7860, Madison, WI 53707-7860
13644016 +HSBC Orchard Bank, Capital One HSBC, P.O. Box 30253, Salt Lake City, UT 84130-0253
13644015 +Heritage Valley Business Office, 200 Ohio River Blvd, Baden, PA 15005-1914
13644021 JP Recovery Services Inc., P.O. Box 16749, Rocky River, OH 44116-0749
13644018 James McQuiston, 827 Fridays Hill Road, New Castle, PA 16101-6723
13644019 +James McQuiston, 827 Fridays Hill Road, New Castle, PA 16101-6723
13644023 +McKesson, PO Box 47710, Jacksonville, FL 32247-7710
13644024 +Mercy Medical Center, c/o Robert B. Preston III, 220 Market Ave. S, Suite 1000,
Canton, OH 44702-2171

14208686 +MidFirst Bank, 999 NW Grand Blvd., Ste. 100, Oklahoma City, OK 73118-6051
13644025 National City Bank, P.O. Box 94982, CB Dispute Lot #1-7103, Cleveland, OH 44101-4982
13644028 +Northwest Consumer Discount Co., 1602 Seventh Ave., Beaver Falls, PA 15010-4012
13683037 +Ohio Department of Taxation, Bankruptcy Division, P.O. Box 530, Columbus, OH 43216-0530
13646293 +PNC BANK, PO BOX 94982, CLEVELAND, OHIO 44101-4982
13644029 +Paula Cialella, Esq., 113 N Mercer St, New Castle, PA 16101-3813
13644032 Premier Bankcard LLC, 3820 N. Louise Ave., Sioux Falls, SD 57107-0145
13644034 +RBC, PO BOX 1548, MANSFIELD OH 44901-1548
(address filed with court: RBC, P.O. Box 1548, Mansfield, OH 44901-1548)

13644033 +Radiology Services of Canton, c/o RBC Inc., P.O. Box 1548, Mansfield, OH 44901-1548
13644036 Round Two Recovery LLC, 3690 EI, 4240 Service Road, Oklahoma City, OK 73135-1737
13662476 +Salem Community Hospital, c/o DDY Inc., PO Box 1171, Salem, OH 44460-8171
13644038 Salem Community Hospital, 2010 State Street, Salem, OH 44460
13644039 +Salem Radiologists, 2094 East State Street, Suite E, Salem, OH 44460-4409
13644041 UBC Collections, 5620 Southwyck Blvd., Toledo, OH 43614-1501
13644042 +United Consumer Finance Services, 865 Basset Road, Westlake, OH 44145-1194
13644043 Valley Emergency Spectrum, 1150 Mkt Street, Youngstown, OH 44512
13644044 +Walts Body Shop, 4075 St. Rt. 7, Columbiana, OH 44408-9525
13644045 +WebBank/DFS, P.O. Box 81607, Austin, TX 78708-1607

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
cr

+E-mail/Text: bnc@bass-associates.com Mar 01 2017 02:25:59
United Consumer Financial Services, Bass & Associates, P.C.,
3936 E. Ft. Lowell Rd., Ste. 200, Tucson, AZ 85712-1083

13644003 E-mail/Text: bankruptcy@cavps.com Mar 01 2017 02:27:31 Cavalry Portfolio Services,
P.O. Box 27288, Tempe, AZ 85282-7288

13674596 +E-mail/Text: bncmail@w-legal.com Mar 01 2017 02:27:12 CERASTES, LLC,
C O WEINSTEIN AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

13644005 E-mail/Text: jsanders@cksfin.com Mar 01 2017 02:26:29 CKS Financial, P.O. Box 2856,
Chesapeake, VA 23327-2856

13656513 +E-mail/Text: bankruptcy@cavps.com Mar 01 2017 02:27:31 Cavalry Portfolio Services,
500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2322

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 67

Date Rcvd: Feb 28, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

13644017 E-mail/Text: cio.bncmail@irs.gov Mar 01 2017 02:26:15 Internal Revenue Service,
Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
13644020 E-mail/Text: JCAP_BNC_Notices@jcap.com Mar 01 2017 02:27:23 Jefferson Capital Systems LLC,
16 McLeland Road, Saint Cloud, MN 56303
13644022 +E-mail/PDF: gecsed@recoverycorp.com Mar 01 2017 02:14:50 Lowes Consumer, P.O. Box 965005,
Orlando, FL 32896-5005
13644027 E-mail/Text: bankruptcydepartment@tsico.com Mar 01 2017 02:27:56 NCO Financial Systems Inc.,
P.O. Box 15372, Wilmington, DE 19850-5372
13816286 +E-mail/Text: bncmail@w-legal.com Mar 01 2017 02:27:40 Oak Harbor Capital VII, LLC,
c/o Weinstein, Pinson, & Riley, PS, 2001 Western Ave., Ste. 400, Seattle, WA 98121-3132
13644030 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 01 2017 02:54:29
Portfolio Recovery Associates, 120 Corporate Blvd., Suite 100, Norfolk, VA 23502
13644031 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 01 2017 02:30:52
Portfolio Recovery Associates, P.O. Box 12914, Norfolk, VA 23541
13694197 E-mail/Text: bnc-quantum@quantum3group.com Mar 01 2017 02:26:24
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
13644040 +E-mail/PDF: pa_dc_claims@navient.com Mar 01 2017 02:14:56 Sallie Mae, P.O. Box 9500,
Wilkes Barre, PA 18773-9500
13660909 E-mail/PDF: pa_dc_litigation@navient.com Mar 01 2017 02:15:53
Sallie Mae Inc. on behalf of USAF, Attn: Bankruptcy Litigation Unit E3149, P.O. Box 9430,
Wilkes-Barre, PA 18773-9430
13708858 +E-mail/Text: bnc@bass-associates.com Mar 01 2017 02:25:59
United Consumer Financial Services, Bass & Associates, P.C.,
3936 E. Ft. Lowell Road, Suite #200, Tucson, AZ 85712-1083

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr CitiMortgage Inc.
cr CitiMortgage, Inc.
cr MIDFIRST BANK
cr* CITIMORTGAGE, INC., PO Box 6030, Sioux Falls, SD 57117-6030
cr* ECMC, P.O. Box 16408, St. Paul, MN 55116-0408
cr* +MidFirst Bank, 999 NW Grand Blvd., Ste. 100, Oklahoma City, OK 73118-6051
cr* +OAK HARBOR CAPITAL VII, LLC, c/o Weinstein, Pinson, & Riley, PS,
2001 WESTERN AVENUE, STE 400, Seattle, WA 98121-3132
13644007* ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Dell Preferred Account, Payment Processing Center, P.O. Box 6403,
Carol Stream, IL 60197-6403)
13716861* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541)
13644026 ##+Nationwide Credit, 1150 East University Drive, 1st Floor, Tempe, AZ 85281-8674
13644035 ##Revenue Recovery Corp., P.O. Box 341308, Memphis, TN 38184-1308
13644037 ##+Ruth A. Magrini, 2200 Camberly Circle, Melbourne, FL 32940-8534

TOTALS: 3, * 6, ## 3

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 02, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 67

Date Rcvd: Feb 28, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 28, 2017 at the address(es) listed below:

Dai Rosenblum on behalf of Joint Debtor Cheryl E. Brewton dunmyrem@zoominternet.net,
dailaw@earthlink.net;dailaw2@earthlink.net;pjbz@zoominternet.net;jmpl24@yahoo.com
Dai Rosenblum on behalf of Debtor Kevin W. Brewton dunmyrem@zoominternet.net,
dailaw@earthlink.net;dailaw2@earthlink.net;pjbz@zoominternet.net;jmpl24@yahoo.com
Dai Rosenblum on behalf of Plaintiff Kevin W. Brewton dunmyrem@zoominternet.net,
dailaw@earthlink.net;dailaw2@earthlink.net;pjbz@zoominternet.net;jmpl24@yahoo.com
Dai Rosenblum on behalf of Plaintiff Cheryl E. Brewton dunmyrem@zoominternet.net,
dailaw@earthlink.net;dailaw2@earthlink.net;pjbz@zoominternet.net;jmpl24@yahoo.com
David H. Lipow on behalf of Creditor CitiMortgage, Inc. bkecf@milsteadlaw.com,
dlipow@milsteadlaw.com
James Warmbrodt on behalf of Creditor MidFirst Bank bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor MIDFIRST BANK bkgroup@kmlawgroup.com
James A. Prostko on behalf of Defendant CITIMORTGAGE, INC pawb@fedphe.com,
james.prostko@phelanhallinan.com
Matthew Christian Waldt on behalf of Creditor CitiMortgage Inc. mwaldt@milsteadlaw.com,
bkecf@milsteadlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 11